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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,586	06/27/2003	Mark Doran	20002/16812	8423
34431 7590 11/14/2007 HANLEY, FLIGHT & ZIMMERMAN, LLC 150 S. WACKER DRIVE SUITE 2100 CHICAGO, IL 60606			EXAMINER WU, QING YUAN	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,586

Applicant(s)

DORAN ET AL.

Examiner

Qing-Yuan Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12, 13 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-13 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-4, 6-10, 12, 13 and 19-22 are pending in the application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/22/07 has been entered.

Drawings

3. Figures 5-6 and 10-11 are objected to under 37 CFR 1.83(a) because they fail to show block 515, 615, 1015, 1115 as described in the specification and as specified in the claims. Therefore, "storing the protocol interface in a data structure" must be shown or the feature(s) canceled from the claim(s). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). In addition, Fig. 6 is also objected to as failing to comply with 37 CFR 1.84(p)(5) because it include the following reference character(s) not mentioned in the description: block 625. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from

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the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 7 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More specifically, the specification failed to described the storing of the protocol interface in a data structure as a subset for further narrowing the rejecting of the driver request.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6-10, 12, 13 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Extensible Firmware Interface Specification” version 1.02 (hereafter Version102), in view of Blumenau et al. (hereafter Blumenau) (U.S. Patent 6,993,581) and further in view of Munger et al (hereafter Munger) (U.S. Pub 2002/0161884).

8. As to claim 1, Version102 teaches the invention substantially as claimed including receiving a driver request from a driver during an operation phase of firmware in a processor system [pg. 19, section 2.4; pg. 55, section 3.3].

9. Version102 does not specifically teach identifying the driver request as a request associated with a violating condition, and rejecting the driver request. However, Version102 disclosed denying access to a file [Status Codes Returned, pgs. 189, 194, 198, 202-203]. In addition, Blumenau teaches identifying a request as a request associated with a violating condition, and rejecting the request [Blumenau, col. 7, lines 43-49; col. 8, lines 1-10; col. 10, lines 17-31].

10. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Version102 with the teaching of Blumenau because Blumenau’s teaching of access controlling provides security, privacy, reliability and availability to any processing system. A person of ordinary skill in the art would be motivated to apply the

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teaching of Blumenau's teaching to address any security concern (i.e. access regulation/control) [Blumenau, col. 2, lines 45-47; col. 3, lines 36-55].

11. Furthermore, Version102 does not specifically teach wherein rejecting the driver request comprises storing the protocol interface in a data structure in response to identifying a request by a driver to access an architectural protocol installed in the processor system and in response to identifying the driver request as a request associated with a violating condition of the protocol interface. However, Munger teaches rejecting data packets that do not meet certain criteria [Munger, abstract; paragraphs 124-125, 129, 135, 141], and changing IP address of a TARP router in response to an attack [Munger, paragraphs 12, 20-21, 83-84].

12. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Version102 and Blumenau with the teaching of Munger because Munger's teaching of changing resource location in response to an attack provides a degree of immunity from access violation by hiding the resource from the access violator. A person of ordinary skill in the art would be motivated to apply the teaching of Munger to address any security concern [Munger, paragraph 20].

13. As to claims 2-3 and 6, these claims are rejected for the same reason as claim 1 above.

14. As to claim 4, this claim is rejected for the same reason as claim 1 above. In addition, Version102 as modified does not specifically teach a central processing unit architectural protocol. However, Version102 disclosed various EFI protocols [pg. 20, Table 2-4; pg. 21,

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Table 2-5; pg. 22, Table 2-6]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized the different architectural protocols (as supported by applicant's specification [Specification, pg. 2, paragraph 29, lines 8-10]).

15. As to claims 7-10 and 12, these claims are rejected for the same reason as method claims 1-4 and 6 above.

16. As to claim 13, Version102 as modified teaches the invention substantially as claimed including wherein the machine readable medium comprises one of a programmable gate array, application specific integrated circuit, erasable programmable read only memory, read only memory, random access memory, magnetic media, and optical media [Blumenau, col. 15, lines 61-65].

17. As to claims 19-22, Version102 as modified teaches substantially the method to protect a protocol interface, therefore Version102 as modified teaches substantially the processor system for implementing the method.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,697,948 to Rabin et al.

U.S. Publication No. 2004/0103205 to Lindblad et al.

Response to Arguments

19. Applicant's arguments filed 10/22/07 have been fully considered but are moot in view of the new ground(s) of rejection.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

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SUPERVISORY PATENT EXAMINER